

Collegiate Ignorance

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*Paper read at the Catholic Educational Convention,
Cleveland, Ohio, June 25, 1923*

A YOUNG teacher at one of our Catholic institutions this year brought out in a concrete manner the thesis that is embraced in this paper. He had finished his undergraduate work at a Catholic college, and went on to a non-Catholic university to take up the study of journalism. His reaction to the false philosophy, the false religion, the false morality that is inseparable from the atmosphere of the secular college was "well, I know I am a Catholic, and a lot of the stuff I hear is wrong, but I'm darned if I can answer it." Briefly, here was a young man, trained in the system of Catholic education from the parochial school to the sheepskin, and in the first real testing ground of his training he went down to defeat. He did not know the Faith that was in him. He failed to answer the Pauline challenge "Give a reason for the Faith that is in you."

My contention is that he was not an exception. That boys and girls pass through our colleges year after year, and that while their mental grasp of secular knowledge has grown apace, their knowledge of their religion has not grown. There has been little development beyond the catechism stage. They are children mentally when it comes to a grasp of the principles of their religion. They have never grown up and when they meet those who have a distorted viewpoint of Catholicism they are helpless to place the claims of their religion on an intellectual or even an intelligent basis. And I base my claim on class-room experience in the teaching of religion to college juniors and seniors, as well as on contact with graduate students both men and women. It was an unusual thing to go into a senior class and find boys who could meet the very ordinary objection that we prove the Church from the Scriptures and the Scriptures from the Church thereby completing the vicious circle. It was an unusual thing to find boys who had been two years in college able to stand up against the ordinary difficulties of Protestantism, old or new. Oh they could give a book answer if they were given a book difficulty, but get them off the beaten path,

face them with the insinuation or the subtlety of the wide awake non-Catholic writer or lecturer, and the result was generally a muddle. Surely they believed, but push them far enough and you find unfailingly how weak was the intellectual basis for that belief. They did not see their Catholicism as a logical whole. They had grasped one thing and were confused by another. They mixed up essentials with non-essentials. They were not intelligent Catholics.

THE CATHOLIC SYSTEM OF THOUGHT

The point I would make is that they took their profane studies much more seriously than their religion. Teachers allowed them to study catechism when they should have been building up the great Catholic system of thought. And the further point I would make is that the teacher of religion in the Catholic college must have more than a catechetical background. The plain fact is that the man or woman holding this position needs a very thorough theological setting, and must to do justice to the course, not have this topic as a side issue. If Father A or Sister B is assigned to teach religion it must not be as an extra or else it will be given as an extra and be received as an extra with resultant collegiate ignorance of this all-important topic. By what right do we as Catholic educators relegate our religion to the great mass of side branches? What is our claim in so doing? By what right as Catholic educators do we refuse to give credits for the study of religion? Because the State will not recognize these credits? I am not familiar with all State requirements but I do know that in some secular colleges students are credited with Bible study, the history of religion, and other religious subjects. If the State will not sanction making religion an integral part of the credited curriculum then as Catholic educators we are false to our claims unless we do the integrating by making religion count in order for degrees. We have every right to say to the men and women coming to our colleges—"The core of our educational system is the Catholic religion. You must know that as a system of thought, and you must qualify in it or you have no right to our degree." I would go farther and not exempt the non-Catholic student from this study. I remember the headmaster of an Episcopal school telling me that he was

surprised that the Catholic prep schools and colleges exempted the non-Catholic from religious study and religious practice. "I tell the Catholic parent who sends his boy here," he said, "your boy should be at a Catholic school, but as long as you prefer the education at St. George your boy cannot be excused from any part of it. Our religion is an integral part of our education."

Many Catholic educators would not agree with this. But I hold that neither Jew nor Protestant coming to a Catholic college has the least claim to exemption from the study of the Catholic religion even though excused from the practise of chapel attendance. Indeed, in this connection I am led to reflect that we have made a great to-do over Catholic practise, compulsory attendance at Mass and a number of other compulsory exercises. To what purpose? The answer of course is that the Catholic habit will be formed. And I frankly say I have grave misgivings over the habit-forming theory. For no habit is worthy of the name that is not rooted in free will, based on intellectual conviction. How many a Catholic college man who has been dragooned to Mass as a part of his education, is going to daily Mass in his parish church today? How many a convent girl punished if she did not answer the daily Mass bell at school is now edifying those of her sisters in the Faith who did not have her advantages by her frequent attendance at the Holy Sacrifice?

CAUSE OF CATHOLIC FAILURES

Which all leads me to this conclusion. If our teaching of religion was a strong vital teaching of the principles of our Faith, we would not have to force pupils to devotion. Father Hull in his "Lapses in Adult Life" has some very fine reflections on Catholic failures as I may term them, which are intimately correlated with the collegiate ignorance of which I speak. His pamphlet is well worth the study of all who are concerned with Catholic education. Its plea is a plea for solid training in Catholic principles—the plea briefly of this paper. It is plainly then the duty of those who are directing our colleges to see to it that the men or women engaged in the course on religion are fully equipped for the work, that this work is not looked upon as a side issue and that these courses are made to count in

the eyes of the student body. To give a worth-while lecture in any branch requires immediate preparation, and a good background in the subject under treatment as well as its allied subjects. Apply this same pedagogical principle to the teaching of our Faith. Unless you do, then the sacrifices that have been made for the cause of Catholic education have been made in vain.

Let me mention a few things that are lacking in our modern Catholic collegians that may be attributed to the modern atmosphere which they breathe. They have very little understanding of the meaning of Church authority. Belonging to a generation that is prone to challenge all authority the Catholic collegians are often in a muddle as to why they must submit to Church laws. As the modern pagan idea that religion belongs in a sphere by itself is so prevalent, the Catholic collegian tainted by the atmosphere in which he or she moves frequently gives expression to such doubts as—"Why can't I read what I want? What does the Index intend by its prohibitions? Are intelligent Catholics held by these?"—I might add that there was never a time when Catholic educators needed to stress the rational basis of authority more than the present, authority in the Church, the State, the home. And I might add that the Catholic teacher, priest or nun, has to be on guard against appropriating to himself or herself the infallibility of the Church. We have an infallible Church back of us but we are not infallible teachers. And because we are conscious of the inerrancy of the Scriptures we should be all the more conscious of our own proneness to err. Because I wear the roman collar or the religious habit my say-so is of no more value than any one else's. Once Americans leave their childhood behind the simple reverence for the clerical garb or the religious habit is left behind too. It may be a thing to regret but it is a fact to be reckoned with by Catholic educators. In this matter of authority I cannot train young Americans if I resent the challenge of the young mind because I fear it is disrespectful in questioning what I have put down as true in my lecture.

There is a danger of the Catholic educator over-dogmatizing. Father B or Sister A may act as if he or she were the infallible Church when a keen young mind objects strenuously to a statement issuing from the plat-

form. The intellectual superiority that the teacher's desk calls for cannot be established on religious reasons. We are not likely to inculcate the principles of authority in a generation that needs them badly by appropriating an authority that does not belong to us.

To conclude I would say that Catholic educators might well take stock from time to time in the business of Catholic education. Notre Dame did a very fine thing a short time ago in making a survey of religion. That survey was most enlightening and every Catholic school could well imitate Notre Dame University in this matter. How familiar are our boys and girls up and down the college land with Catholic liturgy, ritual, symbolism, art? How many of them know the great heroes of the Church and the influence they have wielded in civilization? How many of them take from their Catholic education a well-reasoned pride in Catholic tradition? How many of them after four years in the atmosphere of a Catholic college go out into a pagan world convinced that they have the best that there is in culture and learning, that their Faith is a mental asset as well as a Divine gift? How many are really the leaven in the mass, the great forces for a better America?

During the past few years our colleges have had drives for better equipment, newer and larger buildings. What about a general drive among Catholic colleges for a deeper, more intellectual teaching of religion? It is a commonplace known to you as educators, that modern teaching outside of our schools is shot through with evolutionary theories. Our own must be more and more strengthened by the strong principles of our Faith. We have the heritage of the ages. As Catholic educators are we wielding it as it should be wielded?

Catholics and Sex Problems

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*Paper read at the Young Men's Society Conference at
Leeds, England, May, 1923*

THE Catholic solution of the present-day problems of sex is fundamentally different from that of the non-Christian solution of said problems. It might be stated in the words of Alice Meynell, whose loss to Catholic literature we all deplore. In her "Shepherdess of Sheep" she beautifully compares our thoughts to flocks of sheep, and the lady of our delight is the shepherdess who keeps our thoughts white and guards them from the steeps. She feeds them on fragrant heights, and when a black thought crosses our minds she chases it away, for she wishes us to be pure and undefiled. Contrast that idea with that of the Freudian philosophers who do not believe in what they term the "repression" of evil thoughts and who find, to paraphrase well-known lines, sex in trees, sex in the running brooks, sex in stones, and sex in everything.

UNCHANGED ANIMAL INSTINCTS

To understand fully the difficulties and complexities of a wise solution of sex problems, be it noted, as was pointed out the other day by a famous Egyptologist, that man is the same to-day as he was 7,000 years ago. Down through the ages, while there have been changes in manners and customs and social usages and beliefs and philosophies, the primal instincts of man, such as the lust of the flesh, the lust of gold, the lust of power, and a desire for ease and luxury, have remained constant, in all races and in all climes, and, like Tennyson's brook, have gone on, and go on, for ever. Hence, since the world began there have been the same conflicts of good and evil in the mind of man as we find to-day. While sex moralists and didactic writers of sex fiction may force sex problems to the front from time to time, they are only serving up to the public old wine in new bottles.

Dr. Jung, a leader of modern psychological thought, frankly tells us that his science can tell us very little of the moral attributes of man. Let, he says, the honest

inquirer into the secrets of the human soul throw off his scholar's gown and go and wander through the world into all its hidden recesses and its public places, such as prisons, asylums, hospitals, taverns, brothels, dancing saloons, music halls, gambling dens, secret societies, gatherings of faddists, political meetings, the mansions of the rich and the slums of the poor. In all his wanderings let him try to experience in his own person the loves and hates, the joys and sorrows, of those with whom he had come into intimate contact. He would return laden with richer knowledge of human nature than his yard-long text-books and would then understand the soul of man. It is evident that no single individual could carry out the mission that Dr. Jung postulates is necessary to be an authority on the good and evil in mankind.

THE CATHOLIC CLERGY'S KNOWLEDGE

But there is, and has been for centuries, a body of men who have the knowledge that Dr. Jung says is necessary to fully understand the human soul. For nearly 2,000 years the Catholic priest has heard in the confessional the secret thoughts and secret deeds of a countless number of men, women and children. While what is told in the confessional is, and has always been, as secret as the thoughts of the dead, it is natural to think that the information gained there from penitents will be utilized in ministering to other afflicted souls, just as the confessions in the consulting-rooms of a wise and trusted physician will enable him to cure a mind or body distressed. Hence, apart from her Divine origin and her Divine mission, the Catholic Church holds a unique position as a teacher of morality and a wise solvent of sex problems.

The first fact to be noted in attempting to solve sex problems is that "the web of our life is of mingled yarn, good and ill together."

In man we have a dual personality—a Dr. Jekyll and a Mr. Hyde—and there is constant conflict between the two. The Christian ideal is to repress our evil desires, while the non-Christian says give them expression or free play. Carew tells Dr. Jekyll that the only way to get rid of a temptation to evil is to yield to it. Jekyll, after much misgiving, follows this vicious advice, and we then

see the ideal physician transformed into the cruel and hideous Hyde without any bowels of compassion or mercy for his fellow-man. The logical sequence was that Hyde killed the man who first suggested to him to stifle all the finer issues of his nature as the beloved physician of suffering humanity.

OUR PASSIONS MUST BE RULED

In other words, if we do not rule our passions they will certainly rule us. Let us now discuss in detail remedies for solution of sex problems. Alarmed at the laxity of morals at the present day, some people argue that, to raise the moral tone, let sex hygiene be taught to the people. There could not be a more absurd fallacy, for all the facts prove that the more people know—excluding priests, doctors and lawyers—concerning questions of sex, the more immoral they become. As Cardinal Newman said, "to know is one thing; to do is another: the two things are clearly distinct." The expert liar does not lie less the more he knows how to do it, for he lies all the more when he knows the art of being polished and plausible in his lying. The cheat and the swindler do not cease from cheating and swindling when they know how to do it, but become constant adepts at their work. Hence, in the same way, a knowledge of sex hygiene will not cure immorality, but will be more apt to increase it.

From nearly thirty years' experience of a large general medical practise, I have been impressed by the fact that my most immoral patients were those who knew most about matters of sex, while my most moral were those who were ignorant of the subject. The young "flapper" who gives the "glad eye" to every man and displays her silk stockings for the public gaze, knows more about contraceptives than the married mother of a large family. The "flapper" is repulsively unclean in her body and mind, although well versed in sex hygiene, while the married mother is, as a rule, free from venereal disease. It is the same with the young man about town who knows all about preventives. He is grossly immoral. Again, sex teaching, especially to young people at puberty, when their passions are awakening to life and it is less easy to control them than later in life, is dangerous, for it excites prurient

curiosity which is apt to lead to physical as well as to moral disaster. Hence it defeats instead of serving the purpose it has in view. Shakespeare wisely puts it, "How oft the sight of means to do ill-deeds makes ill-deeds done." It must, therefore, be evident that sex teaching as a deterrent to immorality is as useless as it is absurd. The sovereign remedy is to teach every child and everyone to flee from occasion of sin as they would from flames of fire that threatened to consume them.

CAUSE OF LOOSE IDEAS ON THE SANCTITY OF MARRIAGE

It is likewise the lack of early and dogmatic moral teaching that is at the root of the present loose and confused thinking on the sanctity of marriage. Take, for example, a recent paternity case the publication of whose details was a lasting disgrace to British journalism and an excellent reflex of the immorality of the times in which we live. Unions in which a man and a woman mutually agree not to have any children degrade and defile the married state, and both parties ought to remain single.

There can be only one opinion, that the decline of morality all over Europe is symptomatic of the decline of belief in the basic principles of Christianity. When a man believes that there is no God and no hereafter, only two things will keep him moral. One is the fear of contracting disease in his immorality, and the other is the public odium of being found out in his sin by his relatives and friends. But there is a third factor he ought to consider, and that is when a man begins a career of immorality it is not easy to bridle his lust, and he often becomes a physical as well as a moral wreck.

Let the Catholic youth take as their ideal of chastity the immaculate Virgin, who was spotless and stainless as the lily of the valley. When an unnatural desire or evil impulse comes to them they should ask her help to conquer it. If they at times fail, for the flesh is weak and the spirit may be willing, the Mother of Sorrows will help them to rise again to the fragrant heights to plant there the old and noble standard of Catholic purity and Catholic chastity.

Discrimination and American Ideals

MARTIN CONBOY

Address delivered at Knights of Columbus Independence Day Celebration, Fordham, New York, July 4, 1923.

THE celebration of the birthday of the nation at this particular period in our national existence is an appropriate opportunity for directing attention to the necessity for that mutual assistance and devotion to common purposes which gave birth to this nation, and to the dangers to the integrity of our national institutions that will result if any substantial number of our people adhere or give countenance to the process of discriminating between American citizens according to differences which have no relation whatever to our common citizenship. It seems incredible that men having at heart the welfare of the United States as distinguished from their own selfish and personal purposes should engage in an enterprise so fatal to our national ideals, for if they are successful in their undertaking the result will be repeal of American liberties and the destruction of American institutions. I make no plea here today for the Jew or the Catholic. My plea is for the preservation of American institutions and constitutional guarantees. The subject that I shall discuss concerns America much more than it does the Jew and Catholic. No matter what the outcome of the present attempted discrimination may be the Jew will survive and so will the Catholic, but the result to America of religious and racial intolerance is national suicide.

The Jews have survived Egyptian and Babylonian captivity, the destruction of Jerusalem and the dispersion of the race into all the places of the earth. They have outlived thousands of years of racial persecution. It is not to be assumed, therefore, that they require any champion at this time to wrest them from destruction. Discrimination and persecution have not affected the Catholic Church otherwise than to inspire her priests to greater zeal in the accomplishment of their divine mission, and to evoke a more heroic devotion on the part of Catholic laymen in the maintenance of their rights and privileges. There is no need to appeal to history for the proof of this

assertion. The daily press furnished conclusive evidence only a few weeks ago in the report of the trials before the Soviet tribunal in Russia of priests of our faith. The same unflinching acceptance of the consequences of their discharge of the obligations of their high calling marked the conduct of the Archbishop of Petrograd and his vicar general and priests as marked the conduct of every martyr since the days of the early Christians.

The Church that "was old before the Saxon had set foot in Britain or the Frank had crossed the Rhine, when Grecian eloquence still flourished in Antioch, and idols were worshipped in the temple of Mecca," is in no danger of destruction at this time when her supreme Pontiff is pointing out to the nations of the earth the way to international peace. Nor are we concerned for the future of the Catholic laymen in the United States. There are enough of us to take care of any danger of that character. Of course, the age of religious persecution in this country passed with the passing of the savage Iroquois and there need be no fear of its return, even if attempted by those who might well qualify as their successors. Nevertheless, there is a possibility of discrimination on religious grounds even to the extent of the denial of political rights to those against whom the discrimination is practised. This discrimination can be made effective in given localities because of the character of their population and may even be exercised nationally, and it is to the effect upon our political institutions of such a course that we may with profit direct our attention on this birthday of the nation.

Our national prosperity and even our national existence depend essentially on our continuing a united people. "United we stand, divided we fall." We must have common purposes and common objects and work to accomplish them by concerted effort, not dissipate the energy that should be devoted to the promotion of the common welfare by one part of us striving to deprive the other of our common heritage and the other part putting all its strength into the effort to retain that heritage. We Americans must "mutually pledge to each other our lives, our fortunes and our sacred honor" as did the signers of the Declaration of Independence, if we are to retain our lives, our fortunes and our sacred honor. The blessings which

were secured for us by mutual effort can only be retained by mutual effort. They will be lost if America, like the regions beyond the mountains described by the teachers of Rasselas and the princes of Abyssinia, becomes a place where discord is always raging and man preys upon man. Discrimination is dangerous to everyone. It is the principle and not its present application that is a menace of serious proportions. The idea itself is destructive of Americanism, of everything that America must represent if she is to accomplish the purpose to which she was dedicated. The present application is comparatively of little importance, for he who is discriminated against today may, taking advantage of his numerical representation or power, be the discriminator tomorrow, and the establishment of the precedent makes possible other applications than those that are immediate.

INTOLERANCE A TWO-EDGED SWORD

Even expediency, therefore, should array every man against the idea of racial or religious discrimination, for intolerance is a two-edged sword and we are all vulnerable when it is employed. Cooperation and not antagonism can alone enable this country to endure. We are our own rulers. If we do not govern ourselves, despotism will be invoked to constrain our conduct. Our national problems, if they are to be solved according to the methods intended by our founders, can only be solved by cooperation. We are still seeking to form that more perfect union of which the Constitution speaks, which will promote the general welfare. In order that the union may be perfect and harmony of effort made possible, the Constitution contains certain guarantees. Our ideals and purposes can only be accomplished by mutual effort undisturbed and unaffected by any interference with those constitutional guarantees, which alone make mutual effort possible. Those guarantees are not to be disturbed or even questioned. They were put into the Constitution so that Americans might never be concerned by any future dispute over the subjects of them, and thus, unmolested by the revival of ancient hatreds, devote themselves to the solution of governmental problems and the perfection of our splendid system of government. The very purpose of these guarantees is

destroyed when the contests that they attempted to prevent are revived or renewed.

The secret of unity among us must be the recognition of our common interests, not the emphasizing of our racial or religious differences. If we persist in finding reason or opportunity for civil strife in such differences, we can never become a united people. Every race and every religion is represented among us. The vista of rancor and bitterness that opens up before us when we contemplate the opportunities provided by the revival of racial and religious bitterness is unending. The results of such conduct will not be sustained by those only against whom intolerance is manifested. Reprisals will be employed against any part of the people that seeks to disqualify on such grounds any other part of the people. Therein lies one of the most dangerous consequences of the attempted disqualification of any by virtue of distinctions that are wholly immaterial when considered in the light of essential citizenship. Those who are discriminated against on religious or racial grounds will of necessity combine for their own protection. Religious and racial parties instead of political parties will be formed. Religious and racial candidates will be proposed for the suffrages of their co-religionists or co-racials. Not political but religious and racial considerations will determine elections, and religious and racial preferences will be substituted for political issues and governmental institutions.

It is inconceivable that any true American can consider the possibility of such a disastrous condition without concern for his country, and it is unthinkable that any true American will enlist in any organization or movement having for its purpose the denial of our constitutional guarantees to any portion of our people. Such a man is guilty of apostasy to our national articles of faith. If not a traitor he is a heretic denying the essentials of American liberty. He either repudiates or does not understand the Declaration of Independence. He has no conception of the alphabet of the Constitution. And certainly his offense is particularly heinous if, while preaching the gospel of intolerance, he describes himself as a minister of the Gospel of Christ.

We have many problems which can only be solved if

all of us give our best thought and effort to discovering and employing the proper solution. We have so much to do in this country that needs to be done that we should be devoting every particle of our energy to doing it rather than to the attempt to destroy the work that was accomplished on this fourth day of July, in the year 1776, when "our fathers brought fourth on this continent a new nation conceived in liberty and dedicated to the proposition that all men are created equal."

THE MENACE OF CIVILIZATION

There was never a time in the history of the world when government and civilization stood in greater peril than they do at this time. There never was a time in the history of the world when there was greater need for the development of a true moral sense in the people than the present time. There is crime and dishonesty, disrespect for every kind of authority, virtually amounting to denial of any kind of authority, disregard of law, abhorrence of labor and the lowering of moral standards. Home life is passing and in its place there has come a vagrant or fugitive existence which begets indifference to public opinion, the only restraint on conduct that many have hitherto recognized. New industries and activities have multiplied opportunities for dishonesty, the enactment of penal statutes has attempted to keep pace with criminal resource and ingenuity and our courts are laboring under the effort to maintain enforcement of the law. If to these conditions we are to add religious and racial intolerance and discrimination, our civilization will break under the strain. Certainly, we Americans will commit national suicide if we destroy the foundations of our institutions.

Therefore, we need as never before the highest type of citizenship it is possible for us to produce. The situation is one with which every American is concerned. It is America and not the Catholic Church or the Jewish race that is in danger. We must devote all our thought and effort to raise the standards of citizenship so that this nation whose birthday we are celebrating may endure, and all Americans must cooperate in this necessary enterprise. There is no place in this country, especially at this time, for any movement which can only result in the de-

struction of our national institutions, the integrity of our national life and ultimately of the nation itself. Let us all work for America and the accomplishment of her mission. If we do not, the enemies of America will celebrate her death as we today celebrate her birth.

I pledge your cooperation in that effort. You will continue in that devotion to the flag which Catholics have proven upon a hundred battlefields. You will maintain that respect for the law which Catholics derive from the teachings of the Church which has always demanded obedience to duly constituted authority. You will persist in that patriotism which combines love of country with love of home and love of God in a sacred trinity of affections which must constitute the very substance from which the highest grade of citizenship is to be produced. These purposes to which you are pledged are the proper qualifications for good citizenship. Discrimination and intolerance are disqualifications.

The Nebraska Law Decision

On June 4, 1923, the Supreme Court of the United States handed down the following decision, holding to be unconstitutional the Nebraska law that forbade the teaching of foreign languages in any school in the State. This decision has great importance in reference to the question of the freedom of parochial schools. The decision was read by Mr. Justice McReynolds:

"The plaintiff in error was tried and convicted in the District Court for Hamilton County, Nebraska, under an information which charged that on May 25, 1920, while an instructor in Zion Parochial School he unlawfully taught the subject of reading in the German language to Raymond Parpart, a child of ten years, who had not attained and successfully passed the eighth grade. The information is based upon 'An Act relating to the teaching of foreign languages in the State of Nebraska,' approved April 9, 1919, which follows:

"Section 1. No person, individually or as a teacher, shall, in any private, denominational, parochial or public school, teach any subject to any person in any language other than the English language.

"Section 2. Languages, other than the English language, may be taught as languages only after a pupil shall have attained and successfully passed the eighth grade as evidenced by a certificate of graduation issued by the county superintendent of the county in which the child resides.

"Section 3. Any person who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) or be confined in the county jail for any period not exceeding thirty days for each offense.

"Section 4. Whereas, an emergency exists, this act shall be in force from and after its passage and approval."

"The Supreme Court of the State affirmed the judgment of conviction, 107 Neb. 657. It declared the offense charged and established was 'the direct and intentional teaching of the German language as a distinct subject to a child who had not passed the eighth grade' in the parochial school maintained by Zion Evangelical Lutheran Congregation, a collection of Biblical stories being used therefor. And it held that the statute forbidding this did not conflict with the Fourteenth Amendment, but was a valid exercise of the police power. The following excerpts from the opinion sufficiently indicate the reasons advanced to support the conclusion:

"The salutary purpose of the statute is clear. The legislature has seen the baneful effects of permitting foreigners, who had taken residence in this country, to rear and educate their children in the language of their native land. The result of that condition was found to be inimical to our own safety. To allow the children of foreigners, who had emigrated here, to be taught from early childhood the language of the country of their parents, was to rear them with that language as their mother tongue. It was to educate them so that they must always think in that language, and, as a consequence, naturally inculcate in them the ideas and sentiments foreign to the best interests of this country. The statute, therefore, was intended not only to require that the education of all children be conducted in the English language but that, until they had grown into that language and until it had become a part of them, they should not in the schools be taught any

other language. The obvious purpose of this statute was that the English language should be and become the mother tongue of all children reared in this State. The enactment of such a statute comes reasonably within the police power of the State. *Pohl v. State* 132 N. E. (Ohio) 20; *State v. Bartels* 181 N. W. (Ia.) 508.

"It is suggested that the law is an unwarranted restriction, in that it applies to all citizens of the State and arbitrarily interferes with the rights of citizens who are not of foreign ancestry and prevents them without reason from having their children taught foreign languages in school. That argument is not well taken, for it assumes that every citizen finds himself restrained by the statute. The hours in which a child is able to devote to study in the confinement of school are limited. It must have ample time for exercise or play. Its daily capacity for learning is comparatively small. A selection of subjects for its education, therefore, from among the many that might be taught is obviously necessary. The legislature no doubt had in mind the practical operation of the law. The law affects few citizens, except those of foreign lineage. Other citizens, in their selection of studies, except perhaps in rare instances, have never deemed it of importance to teach their children foreign languages before such children have reached the eighth grade. In the legislative mind, the salutary effect of the statute no doubt outweighed the restriction upon the citizens generally, which it appears was a restriction of no real consequence."

CONSTITUTIONAL LIBERTY INVOLVED

"The problem for our determination is whether the statute as construed and applied unreasonably infringes the liberty guaranteed to the plaintiff in error by the Fourteenth Amendment, 'No State . . . shall deprive any person of life, liberty, or property without due process of law.'"

"While this court has not attempted to define with exactness the liberty thus guaranteed, the term has received much consideration and some of the included things have been definitely stated. Without doubt it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge of her own

conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men. *Slaughter House Cases*, 16 Wall, 36; *Butchers' Union Co. v. Crescent City Co.*, 111, U. S. 746; *Yick Wo v. Hopkins*, 118, U. S. 356; *Minnesota v. Barber*, 136, U. S. 313; *Allgeyer v. Louisiana*, 165, U. S. 578; *Lochner v. New York*, 198; U. S. 45; *Twining v. New Jersey* 211, U. S. 78; *Chicago B. & O. R. R. v. McGuire* 219, U. S. 549; *Truax v. Raich* 239, U. S. 33; *Adams v. Tanner* 244, U. S. 590; *New York Life Ins. Co. v. Dodge* 246, U. S. 357; *Truax v. Corrigan* 257, U. S. 312; *Adkins v. Children's Hospital* (April, 1923); *Wyeth v. Cambridge Board of Health* 200, Mass., 474. The established doctrine is that this liberty may not be interfered with, under the guise of protecting the public interest, by legislative action which is arbitrary or without reasonable relation to some purpose within the competency of the State to effect. Determination by the Legislature of what constitutes proper exercise of police power is not final or conclusive but is subject to supervision by the courts. *Lawton v. Steele* 152, U. S. 133, 137.

EDUCATIONAL RIGHTS IMPORTANT

"The American people have always regarded education and acquisition of knowledge as matters of supreme importance which should be diligently promoted. The Ordinance of 1787 declares: 'Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and means of education shall forever be encouraged.' Corresponding to the right of control, it is the natural duty of the parent to give his children education suitable to their station in life; and nearly all the States, including Nebraska, enforce this obligation by compulsory laws. Practically, education of the young is only possible in schools conducted by especially qualified persons who devote themselves thereto. The calling always has been regarded as useful and honorable, essential, indeed, to the public welfare. Mere knowledge of the German language cannot reasonably be regarded as harmful. Heretofore, it has been commonly looked upon as helpful and desirable. Plaintiff in error taught this language in school as part of his occupation. His right

thus to teach and the right of parents to engage him so to instruct their children, we think, are within the liberty of the Amendment.

"The challenged statute forbids the teaching in school of any subject except in English; also the teaching of any other language until the pupil has attained and successfully passed the eighth grade, which is usually not before the age of twelve. The Supreme Court of the State has held that the so-called ancient or dead languages are not 'within the spirit of the purpose of the Act,' Nebraska District of Evangelical Lutheran Synod, etc., v. McKelvie, et al, Neb. (April 19, 1922) Latin, Greek, Hebrew are not proscribed: but German, French, Spanish, Italian and every other alien speech are within the ban. Evidently the Legislature has attempted materially to interfere with the calling of modern language teachers, with the opportunities of pupils to acquire knowledge; and with the power of parents to control the education of their own.

"It is said the purpose of the legislation was to promote civic development by inhibiting training and education of the immature in foreign tongues and ideals before they could learn English and acquire American ideals; and 'that the English language should be and become the mother tongue of all children reared in this State.' It is also affirmed that the foreign born population is very large, that certain communities commonly use foreign words, follow foreign leaders, move in a foreign atmosphere, and that the children are thereby hindered from becoming citizens of the most useful type and the public safety is imperiled.

SAFEGUARD INDIVIDUAL RIGHTS

"That the State may do much, go very far, indeed, in order to improve the quality of its citizens, physically, mentally and morally, is clear; but the individual has certain fundamental rights which must be respected. The protection of the constitution extends to all, to those who speak other languages as well as to those born with English on the tongue. Perhaps it would be highly advantageous if all had ready understanding of our ordinary speech, but this cannot be coerced by methods, which conflict with the constitution—a desirable end cannot be promoted by prohibited means.

"The desire of the Legislature to foster a homogeneous people with American ideals prepared readily to understand current discussions of civic matters is easy to appreciate. Unfortunately experiences during the late war and aversion toward every characteristic of truculent adversaries, were certainly enough to quicken that aspiration. But the means adopted, we think, exceed the limitations upon the power of the State and conflict with rights assured to plaintiff in error. The interference is plain enough and no adequate reason therefor in time of peace and domestic tranquillity has been shown.

MAY COMPEL SCHOOL ATTENDANCE

"The power of the State to compel attendance at some school and to make reasonable regulations for all schools, including a requirement that they shall give instructions in English, is not questioned, nor has challenge been made of the State's power to prescribe a curriculum for instructions which it supports. These matters are not within the present controversy. Our concern is with the prohibition approved by the Supreme Court. *Adams vs. Tanner* supra, p. 594, pointed out that mere abuse incident to an occupation ordinarily useful is not enough to justify its abolition, although regulation may be entirely proper. No sudden emergency has arisen which renders knowledge by a child of some language other than English so clearly harmful as to justify its inhibition with the consequent infringement of rights long freely enjoyed. We are constrained to conclude that the statute as applied is arbitrary and without reasonable relation to any within the competency of the State. As the statute undertakes to interfere only with teaching which involves a modern language, leaving complete freedom as to other matters, there seems no adequate foundation for the suggestion that the purpose was to protect the child's health by limiting his mental activities. It is well known that proficiency in a foreign language seldom comes to one not instructed at an early age and experience shows that this is not injurious to the health, morals or understanding of the ordinary child.

"The judgment of the Court below must be reversed and the course remanded for further proceedings not inconsistent with this opinion."